

SECTION 10. This Act takes effect January 1, 2016.

Passed the Senate on May 5, 2015: Yeas 29, Nays 2; May 26, 2015, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2015, House granted request of the Senate; May 30, 2015, Senate adopted Conference Committee Report by the following vote: Yeas 29, Nays 2; passed the House, with amendments, on May 23, 2015: Yeas 135, Nays 3, one present not voting; May 27, 2015, House granted request of the Senate for appointment of Conference Committee; May 30, 2015, House adopted Conference Committee Report by the following vote: Yeas 142, Nays 1, three present not voting.

Approved June 19, 2015.

Effective January 1, 2016.

**REPORTS ON ATTORNEY AD LITEM, GUARDIAN AD LITEM,
GUARDIAN, MEDIATOR, AND COMPETENCY EVALUATOR
APPOINTMENTS MADE BY COURTS IN THIS STATE AND AN
INTERIM STUDY ON A BILLING SYSTEM FOR ATTORNEYS
AD LITEM**

CHAPTER 1199

S.B. No. 1369

AN ACT

relating to reports on attorney ad litem, guardian ad litem, guardian, mediator, and competency evaluator appointments made by courts in this state and an interim study on a billing system for attorneys ad litem.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle B, Title 2, Government Code, is amended by adding Chapter 36 to read as follows:

CHAPTER 36. JUDICIAL REPORTS

Sec. 36.001. DEFINITIONS. *In this chapter:*

(1) "Competency evaluator" means a physician or psychologist who is licensed or certified in this state and who performs examinations to determine whether an individual is incapacitated or has an intellectual disability for purposes of appointing a guardian for the individual. The term includes physicians and psychologists conducting examinations under Sections 1101.103 and 1101.104, Estates Code.

(2) "Guardian" has the meaning assigned by Section 1002.012, Estates Code.

Sec. 36.002. APPLICABILITY; CONFLICT OF LAW. (a) This chapter applies to a court in this state created by the Texas Constitution, by statute, or as authorized by statute.

(b) To the extent of a conflict between this chapter and a specific provision relating to a court, this chapter controls.

Sec. 36.003. EXEMPTION. The reporting requirements of Section 36.004 do not apply to:

(1) a mediation conducted by an alternative dispute resolution system established under Chapter 152, Civil Practice and Remedies Code;

(2) information made confidential under state or federal law, including applicable rules;

(3) a guardian ad litem or other person appointed under a program authorized by Section 107.031, Family Code; or

(4) *an attorney ad litem, guardian ad litem, amicus attorney, or mediator appointed under a domestic relations office established under Chapter 203, Family Code.*

Sec. 36.004. REPORT ON APPOINTMENTS. (a) *In addition to a report required by other state law or rule, the clerk of each court in this state shall prepare a report on court appointments for an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case before the court in the preceding month. For a court that does not make an appointment in the preceding month, the clerk of the court must file a report indicating that no appointment was made by the court in that month. The report on court appointments must include:*

(1) *the name of each person appointed by the court as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case in that month;*

(2) *the name of the judge and the date of the order approving compensation to be paid to a person appointed as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case in that month;*

(3) *the number and style of each case in which a person was appointed as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for that month;*

(4) *the number of cases each person was appointed by the court to serve as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator in that month;*

(5) *the total amount of compensation paid to each attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator appointed by the court in that month and the source of the compensation; and*

(6)^o *if the total amount of compensation paid to a person appointed to serve as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for one appointed case in that month exceeds \$1,000, any information related to the case that is available to the court on the number of hours billed to the court for the work performed by the person or the person's employees, including paralegals, and the billed expenses.*

(b) *Not later than the 15th day of each month, the clerk of a court shall:*

(1) *submit a copy of the report to the Office of Court Administration of the Texas Judicial System; and*

(2) *post the report at the courthouse of the county in which the court is located and on any Internet website of the court.*

(c) *The Office of Court Administration of the Texas Judicial System shall prescribe the format that courts and the clerks of the courts must use to report the information required by this section and shall post the information collected under Subsection (b) on the office's Internet website.*

Sec. 36.005. FAILURE TO REPORT. *If a court in this state fails to provide to the clerk of the court the information required for the report submitted under Section 36.004, the court is ineligible for any grant money awarded by this state or a state agency for the next state fiscal biennium.*

Sec. 36.006. TEXAS JUDICIAL COUNCIL RULES. *The Texas Judicial Council shall, as the council considers appropriate, adopt rules to implement this chapter.*

SECTION 2. (a) *The Office of Court Administration of the Texas Judicial System shall conduct a study on the feasibility of establishing a statewide uniform attorney ad litem billing system that would allow attorneys appointed by courts in this state to serve as attorneys ad litem in cases before the courts to enter on a standardized form information regarding the appointment type and duration, case information and activities, numbers of hours served under the appointment, and hourly rate or flat fee paid for the appointment.*

(b) *The study conducted under this section shall examine:*

(1) *the possible benefits to this state and to counties in this state of establishing a statewide uniform attorney ad litem billing system;*

(2) the number of attorneys in this state providing legal representation in court-appointed matters;

(3) the number of hours spent in client representation activities by attorneys serving as attorneys ad litem;

(4) the qualifications of attorneys serving as attorneys ad litem, including training and specialization;

(5) whether using a standardized billing voucher would provide uniformity in the types of vouchers attorneys are currently required to submit to courts for payment; and

(6) the amount of money spent on court-appointed legal representation by year, court, county, and person served, such as parent, child, or other.

(c) Not later than December 31, 2016, the Office of Court Administration of the Texas Judicial System shall submit an electronic copy of the study conducted under this section to the governor, lieutenant governor, and speaker of the house of representatives.

(d) This section expires September 1, 2017.

SECTION 3. Chapter 36, Government Code, as added by this Act, applies beginning with the state fiscal year that begins September 1, 2016.

SECTION 4. This Act takes effect September 1, 2015.

Passed the Senate on April 21, 2015: Yeas 29, Nays 1; the Senate concurred in House amendments on May 30, 2015: Yeas 30, Nays 1; passed the House, with amendments, on May 27, 2015: Yeas 142, Nays 2, two present not voting.

Approved June 19, 2015.

Effective September 1, 2015.

**AUTHORIZATION OF THE IMPOSITION OF
ADMINISTRATIVE PENALTIES ON PROVIDERS
PARTICIPATING IN CERTAIN MEDICAID WAIVER
PROGRAMS**

CHAPTER 1200

S.B. No. 1385

AN ACT

relating to the authorization of the imposition of administrative penalties on providers participating in certain Medicaid waiver programs.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.088 to read as follows:

Sec. 161.088. ADMINISTRATIVE PENALTIES. (a) This section applies to the following waiver programs established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c)), and administered by the department to serve persons with an intellectual or developmental disability:

(1) the home and community-based services (HCS) waiver program; and

(2) the Texas home living (TxHmL) waiver program.

(b) The department may assess and collect an administrative penalty against a provider who participates in a program to which this section applies for a violation of a law or rule relating to the program. If the department assesses an administrative penalty against a provider for a violation of a law or rule, the department may not impose a payment hold against or otherwise withhold contract payments from the provider for the same violation of a law or rule.